

**STATE OF MICHIGAN  
IN THE SUPREME COURT**

**COMPLAINT AGAINST:**

**Hon. Beverley Nettles-Nickerson**  
30<sup>th</sup> Circuit Court  
Veterans Memorial Courthouse  
313 W. Kalamazoo St.  
P.O. Box 40771  
Lansing, MI 48901

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Docket No.  
Formal Complaint No. 81

**PETITION FOR INTERIM SUSPENSION**

Pursuant to MCR 9.219, the Michigan Judicial Tenure Commission (“JTC”), by its Executive Director and General Counsel, Paul J. Fischer, requests this Court to order the immediate interim suspension of Hon. Beverley Nettles-Nickerson (“Respondent”), currently a Judge of the 30<sup>th</sup> Circuit Court in Lansing, Michigan. In support of this petition, the Commission states as follows:

1. Contemporaneous with the filing of this Petition for Interim Suspension, the Commission is filing Formal Complaint No. 81 against the Respondent, which is incorporated by reference. (Attachment 1)
2. Respondent served on the 54A District Court between 1990 and 2002. She has served on the 30<sup>th</sup> Circuit Court from 2003 to the present.

3. Respondent committed perjury during her divorce hearing, and she has a documented history of making false statements or soliciting false statements by others. This is illustrated by, but not limited to, the following:

- (a) In August, 2005, Respondent filed for divorce in Kent County premised on a claim that her then-husband, Daniel Nickerson, Jr., had resided in Kent County for at least 10 days immediately prior to Respondent filing for divorce.<sup>1</sup> In a sworn statement before the Tenure Commission, Mr. Nickerson stated that he had stayed with his mother briefly in Grand Rapids in May and June, 2005, and then returned to the marital home in Ingham County, where Respondent was then residing.<sup>2</sup> Respondent did not file for divorce in Kent County until August, 2005, well after Mr. Nickerson returned to the marital home. In fact, Mr. Nickerson was residing in the marital home at that time, and Respondent knew it. Respondent clearly perpetrated a fraud on the court to obtain a divorce in Kent County.<sup>3</sup>
- (b) In December, 2005, Respondent became involved in a dispute with Chief Judge William Collette over Respondent's failure to allow timely lunch hours for her court reporter, Jean Ann Hamlin, as required by union contract. After Chief Judge Collette advised Respondent she had to follow terms of the union contract, Respondent twice directed Ms. Hamlin to send letters to Judge Collette indicating Respondent's practices were in conformance with the union contract, even though that was not true.<sup>4</sup> After Ms. Hamlin sent letters deemed unsatisfactory by Respondent, Respondent suggested Ms. Hamlin work for another judge. Ms. Hamlin transferred.
- (c) On January 26, 2007, Respondent called a press conference in her courtroom to which members of the news media had been

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<sup>1</sup> A copy of the complaint for divorce is appended as Attachment 2.

<sup>2</sup> A partial transcript of Daniel Nickerson's testimony is appended as Attachment 3.

<sup>3</sup> A transcript of the June 16, 2006 Motion to Enter Judgment, in which Respondent re-affirmed the accuracy of allegations in the complaint, including the residence of her husband in Kent County, is appended as Attachment 4.

<sup>4</sup> Ms. Hamlin's affidavit is appended as Attachment 5.

invited and were in attendance. During the press conference, Respondent falsely accused the Hon. William Collette, 30<sup>th</sup> Circuit Court Administrator David Easterday and James Hughes, Region II Administrator for SCAO, among others, of advocating the termination or transfer of her court reporter, Dorothy Dungy. Respondent also falsely accused Judge Collette and Mr. Hughes of filing grievances against Respondent with the Judicial Tenure Commission.<sup>5</sup>

- (d) On September 8, 2005, Respondent ignored MCR 2.502 and improperly dismissed *Jones v City of Lansing*, Case No. 04-1322-CZ, for lack of progress. The case was refiled as Case No. 05-1090-CZ. On February 6, 2007, Respondent sent Greg Liepshultz, counsel for the plaintiff, an alleged summary of a conference call held on February 5, 2007. Respondent's communication falsely claimed that counsel for neither party had appeared on September 8, 2005, when the earlier case had been dismissed for lack of progress.<sup>6</sup> In fact, Donald Busta, an associate of Mr. Liepshultz, had appeared and argued against dismissal of the case.<sup>7</sup>
- (e) The actions of Respondent bring into serious question her fitness for judicial office. She has been vociferously espousing incoherent positions to her colleagues and acting in a manner that gives grave cause for concern these days.<sup>8</sup>

4. Respondent has engaged in a deliberate, willful pattern of spurious, unwarranted allegations of racism or racial discrimination. The willfulness of Respondent's conduct is demonstrated by statements made to Respondent's former

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<sup>5</sup> Affidavits of Judge Collette and James Hughes are respectively appended as Attachments 6 and 7.

<sup>6</sup> Respondent's summary is appended as Attachment 8.

<sup>7</sup> The transcript of the September 8, 2005 hearing is appended as Attachment 9.

<sup>8</sup> See Ingham County Circuit Judge Joyce Draganchuk's affidavit (Attachment 10) & Judge Laura Baird's affidavit (Attachment 11).

law clerk, Ann Marie Ward-Fuchs. Ms. Fuchs'<sup>9</sup> affidavit indicates that in the fall of 2003 Respondent became upset over criticism of, among other things, her limited working hours at the court. Respondent stated it was no one else's business and that she would not hesitate to use the "race card" if she had to.

5. Other examples of Respondent's racially inappropriate conduct or statements include, but are not limited to, the following:

- (a) At a March 15, 2004 meeting between Respondent, the Hon. William Collette and Region II Administrator James Hughes, Respondent referred to Judge Collette as a "racist," a "white boy," and a "liar." Respondent also stated that Mr. Hughes was a "racist" and described this as an instance of "two white boys" ganging up on a black judge.<sup>10</sup>
- (b) In January, 2006, Respondent publicly aired charges of racial discrimination against the Hon. William Collette and also filed a complaint with the Civil Rights Commission, which she dismissed within a week. The Supreme Court appointed the Hon. Marvin Robertson to investigate the charges. Following submission of Judge Robertson's report, the State Court Administrative Office issued a statement that it was satisfied the charges were "unfounded."
- (c) On January 26, 2007, Respondent called a press conference in her courtroom with the media in attendance. During the press conference, Respondent accused the Hon. William Collette of treating her differently because she was black.<sup>11</sup>

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<sup>9</sup> Ms. Fuchs' affidavit is appended as Attachment 12.

<sup>10</sup> The affidavit of Judge Collette is appended as Attachment 6 and Mr. Hughes' affidavit as Attachment 7.

<sup>11</sup> A video of Respondent's press conference accompanies this petition and is denominated as Attachment 13.

- (d) Respondent engaged in similar racially charged conduct while serving on the 54A District Court.<sup>12</sup>

6. Pursuant to MCR 9.219 (A)(2), the Commission estimates it will submit its recommendation to the Supreme Court no later than 119 days following the submission of the master's report.

7. The Respondent's immediate suspension is necessary for the proper administration of justice, to protect the integrity of the judiciary, and most importantly, to protect the public.

8. As part of that need to protect, Respondent should be barred from her chambers and the 30<sup>th</sup> circuit courthouse until further order of the court. Respondent should only be allowed access to the courthouse during the pendency of the interim suspension as would any other member of the public.

**WHEREFORE**, pursuant to MCR 9.219, the Michigan Judicial Tenure Commission requests that this Honorable Court enter an order immediately suspending Respondent from all her duties at the 30<sup>th</sup> Circuit Court until final adjudication of this formal complaint. The Commission further requests that the Court ban Respondent from the 30<sup>th</sup> Circuit courthouse premises or facilities

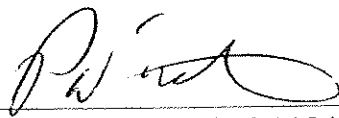
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<sup>12</sup> The affidavit of Larry Theisen, former Court Administrator at the 54A District Court, is appended as Attachment 14.

during pendency of this matter, other than having the same access to the courthouse that any other member of the public would have.

Respectfully submitted,

MICHIGAN JUDICIAL  
TENURE COMMISSION

By:   
Paul J. Fischer (P 35454)  
Executive Director and General Counsel

3034 W. Grand Blvd., Ste 8-450  
Detroit, Michigan 48202  
(313) 875-5110

Dated: May 16, 2007

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# ATTACHMENT 1

FORMAL  
COMPLAINT FILED  
SEPARATELY



# ATTACHMENT 2

STATE OF MICHIGAN

IN THE FAMILY COURT DIVISION OF THE 17<sup>TH</sup> CIRCUIT COURT

180 Ottawa Avenue NW  
Grand Rapids, Michigan 49503  
616-632-5480

BEVERLEY R. NICKERSON,  
Plaintiff,

Case No. 05- 08135 -DM

vs

Hon.

DANIEL E. NICKERSON, JR.,  
Defendant.

Charles R. Dannison (P42381)  
Counsel to the Plaintiff

COMPLAINT FOR DIVORCE

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

NOW COMES the Plaintiff, Beverley R. Nickerson, by and through her counselor at law, and enters her Complaint for Divorce, saying:

1. Plaintiff Beverley R. Nickerson and Defendant Daniel E. Nickerson, Jr. were married on August 16, 1986, and have resided together as husband and wife subsequent to their marriage.
2. Both Plaintiff and Defendant have resided within the State of Michigan for more than one hundred eighty days and Defendant has resided within the County of Kent for at least ten days immediately prior to the filing of this Complaint.

3. There has been a breakdown in the marital relationship to the extent that the objects of matrimony have been destroyed, and there remains no reasonable likelihood that they can be restored.

4. The Plaintiff is not now pregnant, and neither party is a member of the uniformed services or otherwise subject to the Soldier and Sailor's Relief Act.

5. There were three children born to the parties during the marriage:

Amaris Renée Nickerson, born March 29, 1995, now age 10

Lance Leo Nickerson, born July 23, 1997, now age 8

Luke Alexander Nickerson, born July 23, 1997, now age 8

The children reside with each parent on a shared-time basis.

6. The parties have acquired marital property during the marriage, and have accumulated marital debt that requires equitable division by this Court.

7. The marital home is listed for sale by agreement of the parties.

8. Both parents are fit and proper to continue to provide for the day to day care of the minor children and custody is not at issue.

9. Both parents are gainfully employed and able to provide support to their children during their minority, and child support is not at issue.

#### WHEREFORE

A. Plaintiff requests this Honorable Court to enter such Temporary Orders as are necessary to preserve the household, provide care for the minor children, and prevent dissipation of assets of the parties;

B. Upon presentation of appropriate proofs of the matter complained of, grant a full and complete divorce from the bonds of marriage;

C. Award joint legal custody of the minor children to the parties in furtherance of their parental obligations, and award joint physical custody of the children to the parents, equally, for their daily care and upbringing;

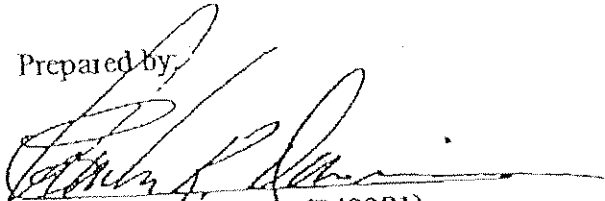
D. Provide for the appropriate distribution of the marital property, and assign any debt and other obligations of the parties consistent with fairness and equity;

E. Grant such and other relief as required by rules of equity, fairness and the laws of the State of Michigan.

August 12, 2005

Beverley R. Nickerson  
Beverley R. Nickerson, Plaintiff

Prepared by:

  
Charles R. Dannison (P42381)  
Counsel to the Plaintiff

CASCADE FAMILY LAW, PC  
4519 Cascade Road SE  
Grand Rapids, MI 49546  
616-942-7400  
Fax 616-942-7475

STATE OF MICHIGAN JUDICIAL DISTRICT 17th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 05 - 08135 - DM
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Court address

County Courthouse 180 Ottawa Ave NW Grand Rapids MI 49503

Court telephone no.

616)632-5480

Plaintiff name(s), address(es), and telephone no(s). BEVERLY R. NICKERSON 3843 Cornice Falls Drive Apartment #6 Holt MI 48842 517)290-5378	v	Defendant name(s), address(es), and telephone no(s). DANIEL E. NICKERSON, Jr. 4320 Kalamazoo Avenue S.E. Grand Rapids MI 49508 616)281-2504
Plaintiff attorney, bar no., address, and telephone no. CHARLES R. DANNISON, Esq. 4519 Cascade Road S.E. Suite 17 Grand Rapids MI 49546-8319 616)942-7400		

**SUMMONS** NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	NOV 14 2005	This summons expires	NOV 14 2006	Court clerk	MARY HOLLINRAKE
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\*This summons is invalid unless served on or before its expiration date.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

☒ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases

☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**VENUE**

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Ingham County, Michigan	Kent County, Michigan
Place where action arose or business conducted	
Ingham County, Michigan	

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date 9/15/2005

Signature of attorney/plaintiff

If you require special accommodations to use the court because of disabilities, contact the court immediately to make arrangements.

**PROOF OF SERVICE**

**SUMMONS AND COMPLAINT**  
Case No. 05-08135 *DM*

**TO PROCESS SERVER:** You are to serve the summons and complaint not later than 91 days from the date of filing. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE**

☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that (notary not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that (notary required)

- ☐ I served personally a copy of the summons and complaint,  
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with \_\_\_\_\_

List all documents served with the Summons and Complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time
		2005 AUG 18 PM 12:4

- ☐ After diligent search and inquiry, I have been unable to find and serve the following defendant(s):

I have made the following efforts in attempting to serve the defendant(s):

- ☐ I have personally attempted to serve the summons and complaint, together with

Attachment

on

Name

at

Address

and have been unable to complete service because

the address was incorrect at the time of filing.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

Title

Subscribed and sworn to before me on \_\_\_\_\_ Date \_\_\_\_\_ County, Michigan.

My commission expires: \_\_\_\_\_ Date

Signature: \_\_\_\_\_

Deputy court clerk/Notary public

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint together with Complaint For Divorce, Motion for Temporary Order, FOL Handbook, Resolving Dispute Handbook, and 3 attachments on 8/17/05 to enter a temporary order

on WEDNESDAY August 17, 2005 @ 1:50 p.m. Day, date, time

on behalf of SELF

Signature

# ATTACHMENT 3

STATE OF MICHIGAN

BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION

SWORN STATEMENT OF

DANIEL NICKERSON, JR.

Grievance No. 06-16260

THE SWORN STATEMENT OF DANIEL NICKERSON, JR.

Taken by Thomas L. Prowse, Staff Attorney with the Michigan  
Judicial Tenure Commission, at Cadillac Place, 3034 West Grand  
Boulevard, Suite 8-450, Detroit, Michigan, on Thursday,  
March 15, 2007, commencing at or about 10:30 a.m.

APPEARANCES:

Examiner:

BY: THOMAS L. PROWSE  
CHARLES J. GHENT

Michigan Judicial Tenure Commission  
Cadillac Place  
3034 West Grand Blvd., Suite 8-450  
Detroit, Michigan 48226  
313.875.5110

**COPY**

REPORTER: Elsa J. Jorgensen, CER-6600



1 approximately?

2 A. Sixteen years.

3 Q. And did you have any firm intention of where you were  
4 eventually going to end up at the time that you left the  
5 marital home and moved to 4320 Kalamazoo Avenue in Grand  
6 Rapids?

7 A. I did not. I was in between. I was even considering  
8 moving back to Grand Rapids. As I indicated, it was a  
9 marriage of 18 years, and, you know, it came to, from my  
10 way of looking at it, a sort of abrupt end in May. And  
11 I, you know, just wasn't certain where I was going or  
12 what I was going to do, in terms of, you know,  
13 continuing to live.

14 Q. You have indicated you have no recollection of the  
15 apartment that you stayed in; is that correct?

16 A. Not -- I have a recollection of the apartment, yes.

17 Q. The apartment number?

18 A. Number, right.

19 Q. The apartment number?

20 A. Yes.

21 Q. At the time, when you were spending the two months  
22 there, with whom were you residing?

23 A. It really wasn't two months.

24 Q. I think you said May and June, roughly.

25 A. Right. It was nowhere near two months. It was the end

1 of May, beginning of June. It was a very relatively  
2 short period, so it wasn't two months.

3 Q. Thank you for clarifying that. With whom were you  
4 staying, physically?

5 A. With my mom.

6 Q. She was residing with you, or you were residing with  
7 her, more accurately?

8 A. I was in and out of the apartment. More out than in.  
9 You know, I would get there late sometimes. She would  
10 be asleep. I would leave in the morning on my way to  
11 work, and she hadn't even gotten up, you know. So it  
12 was not residing in that sense. It was more just a  
13 place to, you know, kind of lay my head while I was  
14 deciding what I was going to do.

15 Q. And I believe you indicated off the record previously  
16 that the commute would be an hour or more than an hour  
17 each way.

18 A. Yes. About an hour, hour and 15 minutes.

19 Q. Would you be surprised --

20 A. I also had access to the home at 3687 Beech Tree Lane.  
21 I had the keys, so I also had access there.

22 Q. Would you be surprised if the records at the complex do  
23 not reflect your mother as having a rental unit in  
24 effect at the time you're talking about?

25 A. Yes. Well, I would be surprised, but she was living

1       likely, and it would have been handled in Ingham County.  
2       They would not have changed the venue.

3   A.    Yeah.

4   Q.    There was no discussion concerning that being a concern?

5   A.    No, sir.  You know, I didn't want to come in here,  
6       because I knew you were going to start getting into  
7       these personal matters.  And, you know, you subpoenaed  
8       me about where I was living, and that's what I came  
9       prepared for.  Now you're asking me a bunch of personal  
10       questions about me and my wife's discussions, and, you  
11       know, I just want to protest it on the record.

12  Q.    These matters are relevant to issues of concern to the  
13       Commission.  It's not a personal matter in that sense at  
14       all.

15  A.    Not to you, but it is to me, sir.  I mean, a marriage of  
16       18 years, and you're talking now about discussions my  
17       wife and I had, you know, and what sort of discussions  
18       we had.  To me, it's personal.

19  Q.    If you were only residing there, to use the term  
20       "residing," in May or June of 2005 in Grand Rapids and  
21       your wife files the Complaint for Divorce in August,  
22       what reason would she have for thinking you reside  
23       there?

24  A.    You to have talk to her.  I don't know.

25               MR. PROWSE:  We can go off the record for a

1 Q. Is your mother incorrect when she says that she did not  
2 return to 4320 Kalamazoo in Grand Rapids until October  
3 of 2005 from your place, your marital home?

4 A. I don't know.

5 Q. The reason why I ask that is your mother's statement  
6 plus this fact that you have indicated that she had  
7 returned from your home prior to you spending an  
8 interlude there in May and June of 2005.

9 A. The October date was the date that you said. I told you  
10 I didn't know exactly when it was she returned. All I  
11 can tell you is she returned several months before I  
12 stayed there with her. Okay? It would be impossible  
13 for me to stay there, if she wasn't there till October.  
14 If I was there in May and June, it was -- how could I  
15 stay there when she wasn't there?

16 Q. And once again, after that brief interlude in May or  
17 June of 2005, you returned to what you might describe as  
18 the marital home, and you resided from that date to the  
19 present time?

20 A. That's correct.

21 Q. And I believe, pursuant to the Judgment of Divorce, the  
22 home is listed for sale.

23 A. That's correct.

24 Q. Did your then wife move out essentially at the time that  
25 you moved back in?

1 STATE OF MICHIGAN )  
2 ) SS.  
3 COUNTY OF OAKLAND )

4 CERTIFICATE OF REPORTER

5 I, ELSA J. JORGENSEN, Certified Electronic  
6 Reporter, a Notary Public, do hereby certify that I  
7 recorded in shorthand the sworn statement of  
8 DANIEL NICKERSON, JR., and that prior to the taking of  
9 said sworn statement, the witness was first duly  
10 affirmed, and that the foregoing 34 pages comprise a  
11 complete, true, and accurate record to the best of my  
12 ability of the testimony of said witness.

13   
14 ELSA J. JORGENSEN, CER-6600

15 Notary Public, Oakland County, Michigan

16 My Commission Expires: 12/13/2010

17 Dated: This 20th day of March, 2007

18

19

20

21

22

23

24

25

# ATTACHMENT 4

STATE OF MICHIGAN  
17TH JUDICIAL CIRCUIT COURT (KENT COUNTY)

BEVERLY R. NICKERSON,

Plaintiff,

V

Case No. 05-08135-DM

DANIEL E. NICKERSON, JR.

Defendant.

COPY

MOTION TO ENTER JUDGMENT

BEFORE THE HONORABLE STEVEN M. PESTKA, CIRCUIT COURT JUDGE

Grand Rapids, Michigan - Friday, June 16, 2006

APPEARANCES:

For the Plaintiff:

MR. MICHAEL B. QUINN (P-27876)  
303 Waters Building  
161 Ottawa Avenue NW, Suite 303  
Grand Rapids, Michigan 49503  
(616) 776-0564

Recorded & Transcribed by:

Ms. Belinda R. Poke, 1164  
Official Court Recorder  
(616) 632-5215

NOV 8 2006

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WITNESSES:

PAGE:

Beverly R. Nickerson

Direct examination by Mr. Quinn

4

No cross-examination

EXHIBITS:

None



1 Grand Rapids, Michigan

2 Friday, June 16, 2006 -- 11:33 a.m.

3 THE COURT: I have Nickerson. I think we can do  
4 that one.

5 THE CLERK: Yes. This is number 15 on the list,  
6 Nickerson versus Nickerson, case number 05-08135-DM.

7 THE COURT: I need a pen.

8 THE CLERK: Did you give him the copies?

9 THE COURT: April, I need a pen.

10 THE CLERK: What do you need?

11 THE COURT: A pen.

12 THE CLERK: Aha.

13 (At 11:33 a.m., Mr. Quinn gives a pen to the Court)

14 THE COURT: All right. Here we go.

15 THE CLERK: You got a pen.

16 MR. QUINN: I expect to get that back, too.

17 THE COURT: All right. Ha, ha.

18 MR. QUINN: Thank you.

19 Your Honor, we'd like to do some proofs in the  
20 Nickerson matter.

21 THE COURT: All right. Would you please raise your  
22 right hand?

23 Do you swear or affirm the testimony you are about  
24 to give is the truth, the whole truth, and nothing but the  
25 truth, so help you God?

1 THE PLAINTIFF: Yes, Your Honor.

2 THE COURT: All right.

3 BEVERLY R. NICKERSON

4 Called as a witness at 11:34 a.m., testified as follows:

5 DIRECT EXAMINATION

6 BY MR. QUINN:

7 Q Beverly, you are the Plaintiff in this divorce action. You  
8 filed a Divorce Complaint on August 12<sup>th</sup>, 2005; at least you  
9 appeared in your former attorney, Charles Dannison's, office  
10 and swore to the contents of the Complaint. Do you recall  
11 that?

12 A Yes.

13 Q And at the time you swore to the contents of that Complaint,  
14 all of the allegations contained therein were true at that  
15 time. Correct?

16 A Correct.

17 Q Do they remain true today?

18 A Yes.

19 Q I have to ask you this. You're not currently pregnant now?

20 A No.

21 Q You're asking the Court to enter the Judgment of Divorce that  
22 we have provided to the Court today?

23 A Yes.

24 THE COURT: All right. The Court has no questions.  
25 The Court finds that the proofs are sufficient. The Court

1 finds that the objects of matrimony have been destroyed and  
2 there's no reasonable likelihood that the marriage can be  
3 preserved.

4 And good luck to both parties.

5 THE WITNESS: Thank you very much, Your Honor.

6 MR. QUINN: Thank you, Judge.

7 THE WITNESS: Thank you.

8 THE COURT: And here's your pen back. I took mine;  
9 it was in my hand when I was signing the papers. All right,  
10 there you go.

11 (At 11:34 a.m., proceedings concluded)

12  
13  
14 STATE OF MICHIGAN )

15 COUNTY OF KENT )

16 I certify that this transcript, consisting of five  
17 pages, is a complete, true, and correct transcript of the  
18 proceedings and testimony taken in this case on June 16, 2006.

19  
20 November 7, 2006



21 Belinda R. Poke, CER 1164

22 Official Court Recorder

23 Kent County Courthouse, Suite 6500D

24 180 Ottawa Avenue N.W.

25 Grand Rapids, Michigan 49503

# ATTACHMENT 5

## AFFIDAVIT

I, Genevieve A. Hamlin, have personal knowledge of the facts set forth in this affidavit and, if sworn as a witness, can competently testify to the following events:

1. I was employed as Judge Nettles-Nickerson's official court reporter from January 1, 2003, until December 31, 2005.
2. On December 5, 2005, I was told by Judge Nettles-Nickerson that I had to respond to a memorandum that Judge Collette sent her on December 1, 2005, regarding the reporters' union contract and specified break times. I was told by Judge Nettles-Nickerson that I was to inform Judge Collette that I was getting all of my required breaks, including the hour lunch break, and that I was in agreement with the trial schedule, even though that was not true, and that there were no problems in our office. I sent a memo to Judge Collette that same day outlining what my true courtroom schedule was and the scheduled breaks I was actually receiving.
3. On December 7, 2005, I had an email from Judge Nettles-Nickerson's judicial assistant informing me that, per Judge Nettles-Nickerson's request, she had read my response to Judge Collette's memorandum to Judge Nettles-Nickerson over the phone at 4:05 p.m. on December 5<sup>th</sup> and that Judge Nettles-Nickerson wanted me to write another memo to Judge Collette to clarify certain things, including that I had never mentioned my son's medical condition to her, when, in fact, I had; nor that I asked her for time to check on him, when, in fact, I had; and, lastly, that she never denied time off, which was, in fact, true.
4. After reading that email, I wrote Judge Collette a second memorandum as required by Judge Nettles-Nickerson and I also responded to an email that Judge Nettles-Nickerson sent directly to Judge Collette on December 6, 2005, which I was copied on, in which she said several false things, including my agreement on the trial schedule and having no lunch break until after the trial and all other proceedings scheduled for that day were completed, which is completely untrue; the taking of an hour and half lunch break in a prior time period, which was false; comments about a medical condition, which is non-existent, and my informing her of said medical condition, which is false; and several other comments by Judge Nickerson that were given completely out of context and, without further explanation, could be misinterpreted.
5. On December 8, 2005, after Judge Nettles-Nickerson reviewed my second response to Judge Collette's memo, Judge Nettles-Nickerson called me into her office and, after discussing the December 7<sup>th</sup> memo and her dissatisfaction in my responses, told me that she believed it would be better if I worked for another judge and that she had requested a copy of the reporters' union contract so that she would be able to find out how to make that happen. I agreed with her and told her I had already inquired of that procedure in the past.

6. After leaving Judge Nettles-Nickerson's chambers, I put my formal request for a transfer in writing to Judge Collette.

2-13-07

Date

Genevieve A. Hamlin

Genevieve A. Hamlin, CSR-3218

Subscribed and sworn to before me on 2/13/07 Ingham County, Michigan.

My commission expires: 11/15/12 Signature

Notary Public, State of Michigan, County of

Jody A. Larsen  
Ingham

JODY A. LARSEN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF CLINTON  
MY COMMISSION EXPIRES Nov 15, 2012  
ACTING IN COUNTY OF INGHAM

# ATTACHMENT 6

STATE OF MICHIGAN)

) SS

I, William E. Collette, 30<sup>th</sup> Circuit Court Chief Judge, am competent to testify to the following facts:

1. I am the Chief Judge of the 30<sup>th</sup> Circuit Court and have served in

2. On March 15, 2004, at approximately 3:50 p.m., I attended a meeting in the office of Mr. James Hughes, Regional Administrator for Region 2 of the Office of the State Court Administrator.

3. Present at the meeting was Mr. Hughes, Judge Beverley Nettleson, and me.

4. Judge Nettles-Nickerson had requested the meeting with Mr. [REDACTED] and me in response to a memorandum delivered to her office by me on March 9, 2004. I attach a copy of that memo to this Affidavit as Exhibit "A."

5. The memorandum was drafted and delivered after a failed attempt part to discuss my concerns with her personally. Prior to March 9, 2004, I for an hour for her to arrive at court for a scheduled meeting. She did not and I left.

6. Shortly after March 9, 2004, I had a conversation with Judge S-Nickerson about my memorandum. During that discussion, she alluded to the fact that she was African American and that my efforts to get her to attend the hearing on her attendance were racially motivated. She asked who had complained to her, and I refused to tell her.



7. It was after this that I was summoned to Mr. Hughes' office to discuss the memorandum.

8. During the course of the meeting, Judge Nettles-Nickerson called me a liar several times. She also called me a racist several times. She also called me a white boy and a liar.

9. As the meeting went on, she became more and more upset. She attacked Mr. Hughes as a racist as well. She indicated that two white boys were ganging up on her.

10. During these heated discussions, she demanded to know which of her staff were ratting on her. She also demanded the names of the attorneys that had complained to me about her conduct. I refused to answer any of these questions.

11. She also made other wild threats against both Mr. Hughes and me. She indicated that she was going to sue me. She also indicated that she would give my memo to the State Journal for publication and that she would file a complaint against me with the Judicial Tenure Commission.

12. Late in the meeting, she again called me a liar. When I mentioned my attempt to meet with her at her office, she said it never happened.

13. Later, as I left Mr. Hughes's office area, she asked me if I wanted to go somewhere to have a glass of wine.

14. I was informed on March 16, 2004, that Judge Nettles-Nickerson had fired her law clerk that morning. She had asked several times on March 15, 2004, if the law clerk was the person ratting on her.

15. I have been informed that on January 26, 2007, Judge Beverley Nettles-Nickerson held a news conference in her courtroom during the afternoon.

16. I have been informed that she invited several members of the media, and they were in attendance at this press conference.

17. I have been informed that she represented that I had filed a complaint against her with the Judicial Tenure Commission. This statement was false as I have not filed any complaint against her with the Judicial Tenure Commission.

18. I have been informed that she stated that I had ordered her to fire her court reporter, Dodie Dungey. This statement was false. I never ordered Judge Nettles-Nickerson to take any employment action against Ms. Dungey.

19. In fact, on the morning of January 26, 2007, I had the court administrator, David Easterday, notify Judge Nettles-Nickerson by email that she could not take any adverse employment actions against Ms. Dungey.

20. I advised her that Ms. Dungey would continue as her full-time court reporter.

21. I was also informed that I was accused of threatening to have Ms. Dungey put in jail for failure to file her transcripts with the Court of Appeals on time. This is untrue since I have never threatened any employee of this Court with jail. Further, I have no jurisdiction over the Michigan Court of Appeals, and the filing of transcripts with that Honorable Court is within its control.

Further Affiant Saith Not.



William E. Collette



Carole Bush Welch, Notary Public

Subscribed and sworn to before me on <sup>2/07,</sup> ~~January 29,~~ 2007.

Eaton, acting in Ingham County, MI

My Commission Expires: November 1, 2012

Memo to Judge Beverly Nettles-Nickerson PERSONAL AND CONFIDENTIAL

RE: concerns with attendance and other issues

It has become increasingly apparent that your attendance at court has not been as good as could be expected. I had hoped that given sufficient time that you might better appreciate the need for a circuit judge to be in attendance on a regular basis.

However, it has become a rare event when I see your vehicle in the parking area when I come down to the VMC for meetings or to work. On those occasions when I come to your end of the hall you are not there. In addition, I have been advised that you do not come in other than on Wednesday when there is not a specific trial that is going. I do not understand how you can get the volume of work done that is needed without being here.

It is not my practice to comment on the work habits of other judges, but the simple fact is that numerous complaints from others on the bench as well as staff and various attorney comments to me leads me to write this memo.

I have also fielded a number of complaints from the bar in particular as to the manner in which you are conducting settlement proceedings and other activities designed to effectuate the settlement of cases. Some of the allegations may well cause the possibility of grievances being filed against you by members of the bar. Also, at least one prominent attorney is contemplating asking that you be disqualified from hearing any of his cases..

Pursuant to the chief judge rule I am required to insure that the work of the court is being done effectively.

This memo is intended as a wake up call that will cause you to reflect on the need to be here and give guidance to your staff and to do the job you were elected to by the public.

Therefore, I would hope that you would take it upon your self to begin coming to court and working a normal day. I would respectfully suggest as well that you review your procedures to avoid situations that might be problematic.

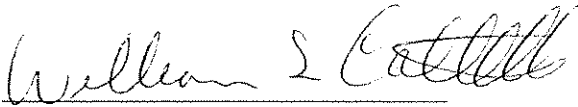
Mr. Hughes of the State Court Administrators office and myself are available to discuss this matter with you at your convenience if you wish.


sincerely,

W. E. Collette chief judge

EXHIBIT "A"

Further Affiant Saith Not.

  
William E. Collette

  
Carole Bush Welch, Notary Public

Subscribed and sworn to before me on February 7, 2007.  
Eaton, acting in Ingham County, MI  
My Commission Expires: November 1, 2012

# ATTACHMENT 7

**STATE OF MICHIGAN  
AFFIDAVIT OF JAMES P. HUGHES**

James P. Hughes, being duly sworn, states as follows:

1. I presently serve as the Region II Administrator for the Michigan Supreme Court/State Court Administrative Office. My business address is Michigan Hall of Justice, 925 West Ottawa, Lansing, Michigan 48913.

2. On March 15, 2004, I met with 30<sup>th</sup> Circuit Chief Judge William E. Collette and 30<sup>th</sup> Circuit Judge Beverley Nettles-Nickerson in my office at the Michigan Hall of Justice.

3. The purpose of the meeting was to confidentially discuss numerous complaints Chief Judge Collette had received from local practicing attorneys about Judge Nettles-Nickerson regarding her attendance and courtroom practices.

4. Judge Nettles-Nickerson reacted by saying that Chief Judge Collette was discriminating against her as a black, female judge. She stated she had gotten the most votes of anyone in the last election. She indicated she was disappointed in me because she thought I would understand the particular problems faced by a black, female judge because she had talked to a judge I had worked for previously (Judge Ramona M. Roberts).

5. She called Chief Judge Collette a white boy and a liar. She said this was two white boys ganging up on a black judge. She threatened to file a lawsuit and go to the Lansing State Journal with these allegations against Chief Judge Collette and me. She wanted the names of attorneys, staff, and/or judges who had complained about her.

6. She did not acknowledge any problems with her courtroom operation. She stated that she would not change anything about her courtroom operations because of this meeting.

7. On January 26, 2007, I was present at a news conference in the courtroom of Judge Beverley Nettles-Nickerson to which several members of the media had been invited and were in attendance.

8. During the press conference, Judge Nettles-Nickerson made the statement that I supported the termination of Court Reporter Dorothy Dungey from employment at 30<sup>th</sup> Circuit Court.


9. I do not and have never supported the termination of Court Reporter Dorothy Dungey from employment at 30<sup>th</sup> Circuit Court.

10. During this press conference, Judge Nettles-Nickerson stated that I had filed a complaint against her with the Michigan Judicial Tenure Commission.

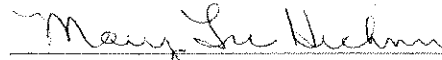
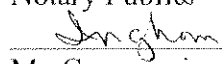
11. I have not filed any complaint against Judge Nettles-Nickerson with the Michigan Judicial Tenure Commission.

12. I have personal knowledge of the facts set forth in this affidavit and, if sworn as a witness, can competently testify to such facts.

FURTHER AFFIANT SAYETH NOT.

  
James P. Hughes

Subscribed and sworn to before me, a Notary Public  
in and for the State and County, this 7th day  
of February, 2007.

  
Notary Public  
 County, Michigan  
My Commission Expires: 9-4-2010

MARY LU HICKNER  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF INGHAM  
My Commission Expires Sept. 4, 2010  
Acting in the County of 



# ATTACHMENT 8

STATE OF MICHIGAN

Honorable Beverley Nettles-Nickerson  
Circuit Judge



Veterans Memorial Courthouse  
Courtroom 7

THIRTIETH JUDICIAL CIRCUIT

February 6, 2007

To: Greg M. Liepshutz

Re: Jones v City of Lansing, Docket 05-1090-CZ  
Motion to Withdraw/ Status Conference

Dear Mr. Liepshutz:

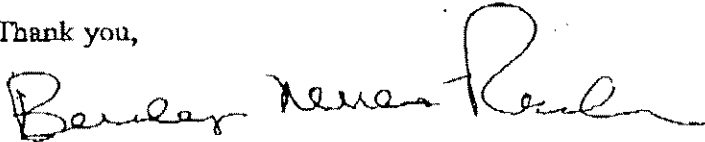
Pursuant to our conference call MCR 2.402(A), Monday, February 5, 2007, with attorney David Otis and my law clerk, this Court advised the parties of the following:

- Plaintiff's Motion to Withdraw / Status Conference may be set on Wednesday, February 14, 2007 or February 28, 2007 at 1:30 p.m., or any day and time convenient to Plaintiff counsel's clients and the parties.
- This Court is aware that Plaintiffs now reside in Arizona and their presence at the hearing may create a hardship. Thus they are not ordered to appear but should be advised by you of alternative dates available to minimize any hardship or inconveniences to all parties.
- Attorney Liepshutz should advise this Court immediately after he consults with his clients regarding the date and time selected for the Motion and Status Conference.
- Plaintiff's clients and Defendant attorneys' are advised to be present at the Motion/ Status Conference in order to accurately reflect and advise this Court the status of this case.
- There have been numerous stipulated motions to adjourn all dates by Plaintiff and Defendants' attorneys without compliance with MCR 2.503, specifically section (2)(C), stating whether other adjournments have been granted and, if so, the number granted.
- As the parties are aware on September 8, 2005 this Court dismissed 04-1322-CZ Jones v City of Lansing for Lack of Progress. Neither Plaintiff nor Defendant counsel appeared on the record to save the case, nor did the parties submit an affidavit to save or motion this court for reinstatement pursuant to Court Rule.
- Pursuant to MCR 2.503(B)(3) the caption for an adjournment must specify whether it is the first or later request.

- In addition, even if the motion to adjourn is stipulated, in writing or on the record, it must be based on good cause and state which party is requesting the adjournment MCR 2.503(B)(2)(a).
- Attorney Liepshutz indicated that he does not have an Arizona address for his client, Herman Jones and Mr. Jones requested that all correspondence should be sent to his local address, as it will be forwarded.
- MCR 2.117(C)(2) provides that Plaintiff's Motion to Withdraw may be granted by this Court only with a stipulation or after a hearing on a Motion to Withdraw served upon the client.
- On Tuesday, February 6, 2007, after review of Plaintiff's letter to his client the alternate dates to accommodate his clients were NOT included in the correspondence to Mr. Jones. This Court requests that Attorney Liepshutz advise his clients that a date and time is flexible in order for all parties to be present.
- Per MCR 2.401 This Court advised both attorneys' of the Status Conference set on the agreed upon Motion to Withdraw date and time. The purpose is to consider any matters that will facilitate the fair and expeditious disposition of the action per MCR 2.400 (C)(a).

Please feel free to contact my office and speak with my Law Clerk or Judicial Assistant if you have any questions and or concerns. (517)483-6526.

Thank you,



Honorable Beverley Nettles-Nickerson

Cc: Attorney David Otis

# ATTACHMENT 9



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Lansing, Michigan

September 8, 2005

9:35 a.m.

R E C O R D

MR. KIM: First case set on the no progress call, Jones versus City of Lansing, docket number 04-1322-CZ.

THE COURT: Thank you. Will the attorney identify himself for the record?

MR. BUSTA: Donald W. Busta, Jr., for the Plaintiff, Herman Jones.

THE COURT: Is the city present?

MR. BUSTA: No, they don't appear to be,  
Your Honor.

THE COURT: Okay. You may proceed.

MR. BUSTA: As I understand, August 11 we received a notice of a no progress call. Based on the record, on March 26th, 2005, we had an unsuccessful facilitation hearing. There was a gap of four and a half months between any action. After August 11 of this year when we received the no progress call, notice of depositions were sent out August 12, 2005, to four parties. Subsequently, on September 6 a request for documents were sent to the City of Lansing.

30TH JUDICIAL CIRCUIT COURT  
313 West Kalamazoo Street, Lansing, MI 48933

Your Honor, I can't explain for that four and a half month gap between the facilitation hearing and the depositions. However, it's my contention that progress is being made and the case should not be dismissed.

THE COURT: Counselor, I think on this one you're going to have to start all over. There's too much other delay, no follow through on -- really no explanation as to what happened after facilitated mediation and why the case did not proceed. I notice that the Defendants have entered a motion to sever that was stamped September 1st, so it just came in, but still way outside of the 91 day requirement for the MCR 2.505 lack of progress.

MR. BUSTA: Your Honor?

THE COURT: Pardon me?

MR. BUSTA: Go ahead.

THE COURT: I'm dismissing the case.

MR. BUSTA: Okay.

THE COURT: Case dismissed for lack of progress. That's all on the record. Thank you.

(Whereupon hearing concluded at 9:36 a.m.)

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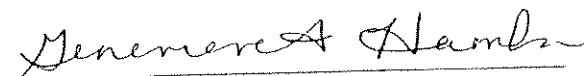


STATE OF MICHIGAN     )  
                              )     SS  
COUNTY OF EATON     )

I, GENEVIEVE A. HAMLIN, Certified Shorthand Reporter and Notary Public in and for the County of Eaton, (Acting in Ingham County) State of Michigan, do hereby certify that the foregoing was taken before me at the time and place hereinbefore set forth.

I FURTHER CERTIFY THAT said witness was duly sworn in said cause; that the testimony then given was reported by me stenographically; subsequently with computer-aided transcription, produced under my direction and supervision; and that the foregoing is a true and correct transcript of my original shorthand notes. ,

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 21st day of February, 2007.



Genevieve A. Hamlin  
RPR-CM/CSR-3218 and Notary Public,  
County of Eaton, State of  
Michigan.

My Commission Expires: 10-8-2011

30TH JUDICIAL CIRCUIT COURT  
313 West Kalamazoo Street, Lansing, MI 48933

# ATTACHMENT 10

**AFFIDAVIT**

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF INGHAM     )

JOYCE DRAGANCHUK, being first duly sworn, deposes and states as follows:

1. I am an adult and otherwise competent to testify to the facts stated below. If called as a witness, I can testify to the following facts from my own personal knowledge.

2. I was elected judge of the 30<sup>th</sup> Circuit Court in November, 2004 and have served in that capacity since January 1, 2005. Prior thereto, I was an Assistant Prosecuting Attorney and the Chief Assistant Prosecuting Attorney in Ingham County for a total of 17 years.

3. On May 3, 2007 at approximately 9:15 a.m., Judge Beverley Nettles-Nickerson stopped me in the hallway and asked if she could speak with me for a few minutes. I said yes and she followed me into my office and shut the door behind her.

4. She began by talking about CNN and other national media covering the matter involving her federal lawsuit and the pending Judicial Tenure Commission investigation. She mentioned Don Imus in a manner that was unclear to me, but I believe she was comparing her situation to his. She indicated that free speech is free speech regardless of race or gender.

5. She next told me that when CNN asks her whether her colleagues support her, she did not want to be in a position of having to say that her

colleagues had never read the Request for Investigation. That is why, she explained, she was having a copy of it delivered to my chambers.

6. She told me that the JTC allegations against her were false and harassing and that she wanted to tell me about some of the allegations in order to illustrate her point.

7. First, she said that she left her twins unattended at the Lansing Country Club for three hours. She went on to say "So I'm a bad mommy. What does that say about me as a judge?"

8. Second, she said that she filed for divorce in the wrong jurisdiction. She explained this by saying "It was not contested and no one ever complained." She also questioned why no attorney grievance action was ever brought against her ex-husband and then she said "but he didn't lie." I did not understand the meaning of this last statement and I did not ask for explanation.

9. Third, she described a complaint made by the Ingham County Prosecutor's Office concerning a case called in for trial on a day that she did not show up. She said that the case had to be re-set for another date and she was trying to give me the date, but kept correcting herself. First, she said it was June 15, 2005. She then corrected herself and said July 15, 2005. She then repeatedly yelled "July 15, 2005." She went on to say that when it turned out that the date was a Saturday, the JTC quietly dropped that allegation.

10. She said that the only reason she dropped her civil rights complaint against Chief Judge William Collette was because her colleagues urged her to do so. At that point, I reminded her that I did not urge her to do anything. She said

that was because I wasn't here yet. I corrected her and said that I was a judge at the time. She said "No, you weren't here." I told her that I have been a judge since January 1, 2005 and that I was indeed here when the civil rights complaint was filed and I had refused to take part in "urging her" to drop the complaint.

11. She was quite upset in talking about the divorce case and the fact that an investigator from JTC and a court reporter and apparently some other people she described but I cannot recall went to her ex-mother-in-law's nursing home to talk with her. She said that her ex-mother-in-law has one lung and she was upset that investigators would have gone to see her like they did. While describing this, she had to stop a couple of times to keep from breaking down. She was clearly emotionally upset.

12. At the end of our conversation, she stood up to leave. She was quite angry and emotional. She said that if this could happen to her as the number one vote getter in every election, as a community service volunteer and as ex-President of the Ingham County Bar Association, then it could happen to me. She was pointing her finger at me and yelling when she said this.

13. Throughout her comments to me, she was angry and emotional. Much of what she said was disjointed and did not make sense.

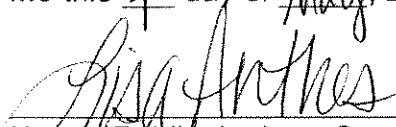
14. After she left, I reflected on the things she said and her demeanor. I also read her answer of April 11, 2007 and the Complaint filed in Federal Court. I also reflected on my experiences with her from the time she first became a District Court judge and I was an assistant prosecutor. In my opinion, her comments and behavior reflect that of a person who truly feels persecuted, who

has a disconnect between what is real and what is perceived, and who has a great deal of anger.

15. I have apprehension about being in the workplace with Judge Beverley Nettles-Nickerson. At no time did she even intimate that she was capable of violence, but I see characteristics in her that I have described above that have in some circumstances resulted in violence. I also fear being confronted by her again because in my opinion her behavior is erratic and unpredictable. I do not want to be in another situation where I am forced to talk to her because I have many times seen first hand how she will take one thing that a person says and totally distort it into something else and then publish it to the community.

  
Joyce Draganchuk

Subscribed and sworn to before  
Me this 4 day of May, 2007

  
Notary Public, Ingham County, Michigan  
My commission expires: 8/21/2012

NOTARY PUBLIC  
INGHAM COUNTY, MICHIGAN  
COMMISSION EXPIRES 8/21/2012  
LISA ANTHERS

# ATTACHMENT 11

## AFFIDAVIT OF THE HONORABLE LAURA BAIRD

STATE OF MICHIGAN    }  
                                      } SS:  
COUNTY OF INGHAM    }

The Honorable Laura Baird, being first duly sworn, deposes and says:

1. I am the Honorable Laura Baird, Chief Judge Pro Tem for the 30<sup>th</sup> Judicial Court in the County of Ingham.
2. If sworn as a witness, I can competently testify to the matters set forth in this affidavit.
3. On May 3, 2007, upon arriving at work I was informed by my staff that Judge Beverley Nettles-Nickerson wanted to speak to me and that Judge Joyce Draganchuk also first wished to speak to me, as she had already spoken to Judge Nettles-Nickerson that morning.
4. Judge Draganchuk told me that Judge Nettles-Nickerson wanted to be able to tell CNN I had read her complaint against the Judicial Tenure Commission so that when CNN called during their investigation I could say that I supported her and wanted Judge William Collette removed as chief judge.
5. I have never had a conversation with Judge Nettles-Nickerson that would have indicated to her that I supported her nor that I would join in her efforts to have Judge Collette removed as chief judge. I did not get a call from CNN nor do I believe CNN is investigating this matter.

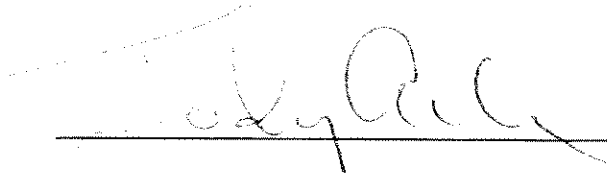


6. Thereafter, throughout the morning Judge Nettles-Nickerson made several more appearances at my office. I avoided her so I did not have to speak to her. She reportedly became frustrated and left a message that she would tell CNN that I said I was unavailable and that if I wanted to speak to her to call her before she left to see Oprah.
7. Although Judge Nettles-Nickerson has always been gracious and polite toward me, I fear that she is increasingly delusional in her perceptions and acting out in anger and with suspicion toward anyone who does not share her perceptions.
8. I believe Judge Nettles-Nickerson knows that the Judicial Tenure Commission will meet on Monday, May 14, 2007. I am concerned both for her welfare and that she is behaving in an increasingly irrational and desperate manner. I anticipate that her behavior will become more distraught and unstable as pressure on her increases. I fear that her behavior has become unpredictable and that she may become destructive to court personnel or property or that she may impair the operation of the court to conduct the public's business in a safe and orderly fashion.

Further, affiant saith not.

  
The Honorable Laura Baird

On the 11<sup>th</sup> day of May, 2007, before me, a notary public in and for said county appeared the above-named, The Honorable Laura Baird, that she has read the foregoing affidavit and that the same is true to the best of her knowledge, except as to those matters therein stated to be upon information and belief, and, as to those matters, she believes the same to be true.

A handwritten signature in cursive script, appearing to read "Jody A. Larsen", written over a horizontal line.

JODY A. LARSEN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF CLINTON  
MY COMMISSION EXPIRES Nov 15, 2012  
NOTING IN COUNTY OF INGHAM

# ATTACHMENT 12

AFFIDAVIT OF ANN MARIE WARD-FUCHS

ANN MARIE WARD-FUCHS says:

1. The facts stated in this affidavit are based on my personal knowledge, and, if sworn as a witness, I can testify competently to them.
2. From January 1, 2003, to March 16, 2004, I worked as Judge Beverley Nettles-Nickerson's Law Clerk.
3. On more than one occasion, Judge Nettles-Nickerson discussed with me her concerns about what she considered as rumors being spread about her. The subject matter of these rumors as related to my by the Judge were her work performance and work ethics.
4. On one specific occasion, I was sitting in Judge Nettles-Nickerson's office discussing the aforementioned concerns and she commented that she felt it was none of anyone's business when she was, or was not, in the office as long as she was getting her work done.
5. During this same conversation, Judge Nettles-Nickerson pointed to a picture that was hanging on her wall depicting an African American child walking between two uniformed policemen. Judge Nettles-Nickerson commented that she felt just like the child in the picture. She then looked at me and said that she would not personally hesitate to play the race card if ever need be.
6. On March 16, 2004, Judge Nettles-Nickerson terminated my employment.

2-12-2007  
Date

Ann Marie Ward-Fuchs  
Ann Marie Ward-Fuchs

Subscribed and sworn to before me on this 12 day of February 2007.

Julie R. Remsing  
Julie R. Remsing, Notary Public  
Ingham County, Michigan  
My commission expires March 22, 2011

JULIE R. REMSING  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF INGHAM  
My Commission Expires Mar 22, 2011  
Acting in the County of Ingham

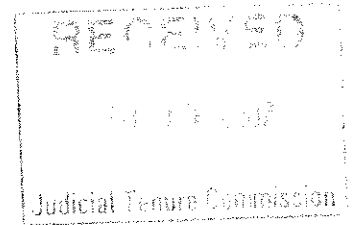
# ATTACHMENT 13

Nettles-Nickerson  
Press Conference

DVD

# ATTACHMENT 14

**STATE OF MICHIGAN  
AFFIDAVIT OF LARRY THEISEN**



Larry Theisen, being duly sworn, states as follows:

1. I served as Assistant Court Administrator at the 54A District Court between 1986-1989. I then served as Court Administrator between 1989 and 1998, when I left the court.

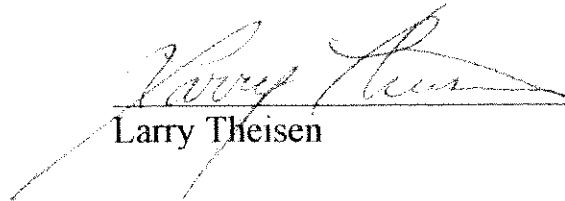
2. While serving as Court Administrator at the 54A District Court, the Hon. Beverley Nettles-Nickerson, then a member of the court, made the following comments to me or in my presence:

- a. Judge Nettles-Nickerson's office space was being enlarged and improved by City of Lansing maintenance workers. The judge became dissatisfied with the pace of the work and called the person on the project in and stated she hoped the reason her office was not being finished more quickly was because she was black;
- b. The 54A District Court had a vacant position as probation officer which needed filling. The court followed the established procedure for posting the position and the conduct of interviews. Judge Nettles-Nickerson favored the filling of the position by hiring a minority candidate who lacked the qualifications of other candidates. The candidate favored by Judge Nettles-Nickerson was not chosen. The Judge told me that I would not hire a person whom she favored because that person was black. To my knowledge, the position was filled based on the qualifications and merit of the candidates; and
- c. Judge Nettles-Nickerson accused me of assigning either more cases or weekend arraignments to her than other judges at the 54A District Court because she was black. The judge was aware that the court assigned cases by blind draw and weekends by a rotation schedule and that I, as court administrator, did not make these assignments.

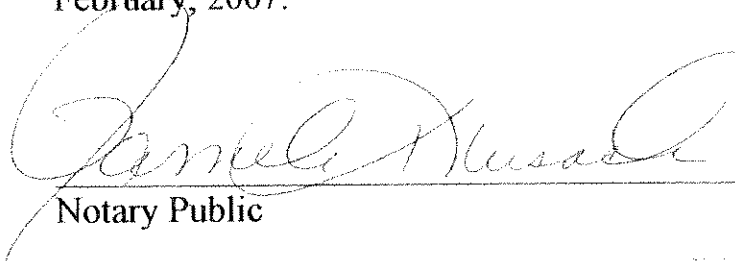


3. I have personal knowledge of the facts set forth in this affidavit and, if sworn as a witness, can competently testify to such facts.

FURTHER AFFIANT SAYETH NOT.

  
Larry Theisen

Subscribed and sworn to before me, a Notary Public  
In and for the State and County, this 1st day of  
February, 2007.

  
Notary Public

\_\_\_\_\_  
County, Michigan  
My Commission Expires: \_\_\_\_\_

PAMELA KLUSACK  
Notary Public, Ingham County, MI  
My Comm. Expires Sept. 9, 2007